

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS OBUJEN,

No. C 07-04831 CW (PR)

Petitioner,

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

v.

NICK DAWSON, Warden,

Respondent.

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner submitted an in forma pauperis application using the form from the Eastern District, where his petition was originally filed. However, he did not file copies of his certificate of funds and prisoner trust account statement. On September 20, 2007, this action was transferred to this Court. On that same date, the Clerk of the Court notified Petitioner that his in forma pauperis application was deficient due to his failure to use the correct form and to include a signed certificate of funds as well as a prison trust account statement for the previous six months. The Clerk sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed.

In an Order dated December 12, 2007, the Court informed Petitioner that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application using the correct form. The Court ordered the Clerk of

1 the Court to send Petitioner another blank in forma pauperis  
2 application. The Court informed Petitioner that he must pay the  
3 fee or return the completed application within thirty days of the  
4 date of that Order or his action would be dismissed. More than  
5 thirty days have passed and Petitioner has not paid the filing fee,  
6 returned the in forma pauperis application or otherwise  
7 communicated with the Court.

8 Accordingly, this action is DISMISSED WITHOUT PREJUDICE.  
9 Petitioner's in forma pauperis application is DENIED as incomplete.  
10 The Clerk shall enter judgment in accordance with this Order and  
11 close the file.

12 IT IS SO ORDERED.

13 Dated: 1/18/08

  
\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS OBUJEN,

Plaintiff,

v.

AVENAL STATE PRISON et al,

Defendant.

Case Number: CV07-04831 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 18, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Douglas Obujen  
V-07310  
Avenal State Prison  
P.O. Box 9  
Avenal, CA 93204

Dated: January 18, 2008

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California